1246

SUPREME COURT OF THE UNITED STATES.

No. 123.

THE HEIRS OF C. & M. DE ARMAS, APPELLANTS,

vs.

THE UNITED STATES.

ON APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE DISTRICT OF LOUISIANA.

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J. & G. S. Gideon, printers.

United States district court for the district of Louisiana.

Be it remembered that, on the eighth day of May, A. D. 1845, the heirs of C. and M. de Armas, by their counsel F. Perin, esq., came into the said court, and filed the following petition, to wit:

To the honorable T. H. McCaleb, judge of the district court of the United States, in and for the district of Louisiana.

The petition of Michaëla de Armas, wife of Alfred Ducros, who resides in the parish of St. Bernard, herein authorized and assisted by her said husband, Rosamond de Armas, residing in the city of New Orleans, Michel de Armas, and Arthur de Armas, residing in said city, all of full age, the legal heirs and representatives of the late Miguel de Armas, deceased, and also the legal heirs of the late Christoval de Armas, deceased, by representation of the said Miguel.

Christoval Morel, residing in said city, Amandeo Morel, residing in the parish of Assumption, Alphonse Morel, residing, all of full age, and Pauline and Octave Morell, minors and represented herein by their tutor, Octave de Armas, residing in said city, the legal heirs of Victorine de Armas, wife of Pierre Louis Morel, deceased, who was heir of the said Christoval de Armas. Christoval M. de Armas, residing in said city, Carlos de Armas, residing in the parish of Iberville, Emma de Armas, wife of Felix de ——, residing in the parish of Plaquemine, herein authorized and assisted by her said husband, Louise de Armas and Leocadie de Armas, residing in the parish of Iberville, all of full age, except the said Leocadie, who is a minor, and herein represented by her natural tutrix, widow Carlos de Armas, respectfully represents.

That your petitioners are the legal heirs and representatives of the said Christoval and Miguel de Armas, as above stated.

That on or about the thirteenth day of October, in the year of our Lord eighteen hundred and three, the said Christoval de Armas, and his son Miguel, made an application to Don Juan Ventura Morales, captain general and intendant of the provinces of Louisiana and West Florida, at that time belonging to the sovereignty of Spain, for a concession of eight lots of land, containing twenty thousand arpens, in the districts of Baton Rogue, Feliciana, and St. Helena; and that upon the said application the said intendant, who was duly empowered to grant, concede, sell, or otherwise dispose of lands in the said provinces, ordered the governor of Baton Rogue, Don Carlos Louis de Grande Pré, to cause the said lands to be surveyed, and the value thereof appraised, by the said Grande Pré, assisted by the surveyor general of West Florida, and four other persons, who proceeded on the 20th of October, in said year 1803, to estimate the value thereof, and, after mature deliberation, the said land was appraised at seven cents for each superficial arpent; that during the month of October, in the aforesaid the said intendant ordered that all of the said lots of land, consisting of twenty thousand su-

perficial arpens, be conceded and delivered to the said applicants upon payment of fourteen hundred forty-one dollars and thirteen cents; all of which will more fully appear by reference to a certificate of survey, made by Vincente Sebastian Pintado, surveyor general of West Florida, of date the 10th day of December, A. D. 1803, to be hereinafter filed, and exhibited to this honorable court on the trial of this cause.

Your petitioners further state, that the said orders of survey and of appraisement did vest the said applicants with an inchoate title, which by the treaties and laws they were entitled to have perfected by the Government of the United States; and had the said province of West Florida remained under the government of Spain, and had not the sovereignity thereof been transferred to the United States, the said order and certificate of survey might and would have been completed and perfected into a complete title and transfer of the property aforesaid to the applicants, under and in conformity to the laws, usages, and customs of Spain; all of which will appear by reference to the grant or confirmation of the title to the said land, made by the said intendant, at Pensacola, on the 23d of October, 1806, and to other documents, to be hereinafter filed, and exhibited to the court on the trial of this cause.

Your petitioners further state that their ancestors, the said Christoval and Miguel, paid into the royal treasury of Spain, by direction of said intendant, as the consideration or purchase money of said 20,000 arpens, the said sum of $\$1441\ \frac{13}{100}$, and complied with all the regulations on the subject. And they further state, that their said claims to the said 20,000 arpens of land were duly presented to the commissioners of land claims, appointed by the United States for the district west of Pearl river, and by them reported upon unfavorably in the year 1816, as will appear by reference to claim numbered 43, of register C, on page 55, on the 3d volume of the American State Papers relating to public lands.

Your petitioners further state, that at the time of the survey of the said 20,000 arpens, to wit, in December, 1803, no person had, or pretended to have, any claim to the said land, or to any part thereof.

And petitioners further state, that they have been informed, and verily believe, that divers persons, to your petitioners unknown, have made purchases of all or the aforesaid lands, from the Government of the United States, by which they have been divested of said lands without their permission, or any relinquishment on their part of their just title to the same.

Your petitioners further state, that they cannot now describe the limits and bounds, and the quantity contained in each lot of the said 20,000 arpens, with greater certainty than they have set forth the same in their petition; but they would refer this honorable court to the plots and drawings accompanying the said certificate of survey, and other documents therewith connected, and to which reference has been made herein above; which they pray leave of the court to file hereafter as soon as they can obtain copies of the same, the originals being deposited in the office of Lacoste, a notary public in this city; and to be considered

as part of this petition, to the same extent and effect as if the same were now filed herewith.

Wherefore your petitioners pray that the validity of their said claims may be inquired into and decided by this honorable court; and should it be decided that their said claims ought to be recognised and confirmed, they pray that the lands herein above described may be surveyed; and if it shall appear upon such survey that the United States have claimed and sold the same, or any part thereof, they may be decreed the same number of arpens, to be located upon the public domain, in proportion to the respective rights of petitioners hereafter to be agreed upon between them. And they pray for such other and further relief as the nature of the case may require, and as to law and equity may appertain, and for general relief; and they will ever pray, &c.

(Signed,) By F. PERIN, *for Petitioners.*

And on the ninth day of May, A. D. 1845, the following citation was issued from the clerk's office, to wit:

United States district court, sitting in and for the eastern district of Louisiana.

To the marshal for the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon Solomon W. Downs, esq., United States district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the eastern district of Louisiana, at a district court to be holden at New Orleans on the first Monday of June, 1845, then and there to answer a petition in chancery, filed against the United States, wherein the heirs of C. and M. de Armas are plaintiffs, and the United States are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Mem. The defendant is to enter his appearance, in the above entitled cause, in the clerk's office, on or before the first Monday of June, 1845, otherwise the petition may be taken pro confesso.

Witness the honorable T. H. McCaleb, judge, this ninth day of May, New Orleans, 1845, and 69th year of American independence.

[L. S.]

(Signed,) N. R. JENNINGS, *Clerk.*

Marshal's return on citation.

Received this 9th day of May, 1845, and on the same day served copies of the within citation, plaintiffs' petition and documents annexed, on the within named S. W. Downs, United States district attorney, by handing the same to him in person, at his office in New Orleans.

(Signed) A. SIDNEY ROBERTSON,
U. S. Marshal.
By J. H. RINEHART, *Deputy.*

And on the second day of June, A. D. 1845, the following entry was made on the rule docket, to wit:

June 2d, 1845.

HEIRS OF C. AND M. DE ARMAS,
vs.
THE UNITED STATES. } No. 7.

Upon motion, and by direction of plaintiff's counsel, a judgment pro confesso is this day entered up in the above entitled case. This being the first Monday in the month, all the cases upon the docket were called.

And on the fourth day of June, A. D. 1845, the following entry was made on the rule docket, to wit:

June 4th, 1845.

HEIRS OF C. AND M. DE ARMAS,
vs.
THE UNITED STATES.

The defendants, by their counsel, the United States district attorney, this day appeared and filed a demurrer to plaintiffs' petition.

And on the fourth day of June, A. D. 1845, the defendants by their counsel, S. W. Downs, esq., filed the following demurrer in the clerk's office, to wit:

To the honorable the district court of the United States for the district of Louisiana.

Petition of the heirs of De Armas.

The United States of America, by their attorney, S. W. Downs, by protestation, not confessing all or any of the matters and things in the said petition contained to be true, in such manner and form as the same are therein set forth and alleged:

1st. Do demur to said petition, and for cause of demurrer show that the said petitioners have not, by the said petition, made such a case as entitles them in this court to any discovery from the said United States, or any relief against them as to the matters contained in said petition, or any of such matters.

2d. And for further cause of demurrer the said United States, through their said attorney, say, that petitioners by their said petition do not show that petitioners or their ancestors resided within the late province of Louisiana at the date of their pretended survey, or on or before the tenth day of March, one thousand eight hundred and four.

3d. And for further cause of demurrer the said United States, through their said attorney, say, that petitioners by their late petition do not show that their said pretended order of survey was protected or secured by the treaty between the United States of America and the French republic of the thirtieth day of April, one thousand eight hundred and three.

4th. And for further cause of demurrer the said United States, through their said attorney, say, that said petition does not set forth the name or names of the person or persons claiming the land which the said petitioners allege to belong to them, the said petitioners; which

said person or persons, petitioners, say, claim by a different title from them, the said petitioners.

5th. And for further cause of demurrer the said United States, through their said attorney, say, that the said petitioners by their said petition make no parties defendant to their said petition.

6th. And for further cause of demurrer the United States, through their said attorney, say, that said petitioners in their said petition have not set forth boundaries of the land claimed by them in their said petition, nor alleged that said land in their pretended survey or title is not designated by boundaries.

7th. And for further cause of demurrer the said United States, through their said attorney, say, that said petitioners in their said petition do not show that the land claimed by said petitioners has been sold, or otherwise disposed of by the United States, and that the money has not been refunded.

8th. And for further cause of demurrer the said United States, through their said attorney, say, that the said petition is irregular and defective, because said petitioners in their said petition claim title under documents which are not annexed to their said petition, while they pray that said documents may be made part thereof. Wherefore, and for divers other good causes of demurrer appearing in said petition, the United States do demur thereto; and they pray the judgment of this honorable court, whether they shall be compelled to make any further and other answer to the said petition; and they further pray that said petition be dismissed at the costs of said petitioners. And if the various causes of demurrer herein set forth be overruled by the court, then these respondents pray that, before they be required further to answer, the petitioners be ordered to file in court all the letters, documents, titles, and surveys, which, in their said petition, they rely upon to establish the claim therein set forth.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. attorney, district Louisiana.

And on the sixteenth day of June, A. D. 1845, the plaintiffs, by their counsel, F. Perin, esq., filed in this court, the following amended petition, to wit:

To the honorable T. H. McCaleb, judge of the United States district court for the district of Louisiana.

The amended petition of Michaëla de Armas and others, heirs of Christoval and Miguel de Armas, in the matter of the said heirs against the United States, filed in this court on the 8th day of May, 1845, respectfully represents:

That petitioners have obtained an authenticated copy of the titles and documents referred to in their original petition, which they annex hereto and file in court; and they aver that, after diligent search and enquiry in the surveyor's and land offices of the State of Louisiana, where such books and papers are usually kept, they have not been able

to find the original books and papers belonging to the offices of the said Carlos Louis de Grand Pré, subdelegate, &c., and of Vincente Sebastian Pintado, acting as surveyor general of West Florida, at the date of the said order and certificate of survey; but were informed and verily believe, that they have been taken out of the United States, and with them the original order and certificate of survey referred to in this case; and they pray that the annexed copy may be received in evidence instead thereof. And that the annexed deed or confirmation of title by Intendant Morales, may be considered as full proof of the matters therein recited; they further shew to the court, that the original act of concession or confirmation of title, of which the annexed is a true copy, is deposited in the notary office of Philippe Lacoste, in this city, which will be produced in court as often as it may be called for by the order thereof.

Petitioners further show to this honorable court, that their said ancestors, Christoval and Miguel de Armas, were residents of the province of Louisiana, or of that portion of West Florida which is now included in the State of Louisiana, and in which are situated the 20,000 arpens of land herein claimed, while the same was under the sovereignty of Spain, and prior to, and on the tenth day of March, eighteen hundred and four, to wit, at the date of the said order and certificate of survey. Petitioners further aver, that the said order and certificate of survey, and the title to the twenty thousand arpens of land, which they claim from the United States in this and their original petitions, were protected and secured by the treaty between the United States and the French Republic, of date the thirtieth day of April, eighteen hundred and three.

Petitioners further show that the said twenty thousand arpens of land are designated by boundaries, and that the metes and bounds, with descriptions of location and plats, are set forth in the said certificate of survey, which they pray may be taken as part of their petition, and that they may be permitted to refer thereto, and to the accompanying maps and plats as the only description necessary to be given.

And more especial reference is made to plans in said certificate, marked A, B, C, D, E, F, G, and H; and numbered from 1783 to 1790, inclusive. Wherefore, they pray as they have prayed in their original petition, and that this amended petition be filed, together with the documents annexed and marked A, as a right reserved in their original petition. They further pray that a copy of this amended petition may be served on the United States, through their attorney, S. W. Downs, esq., and for such other or further relief as the nature of the case may require, and for general relief; and they will ever pray, &c.

(Signed) F. PERIN, *their Attorney.*

And on the sixteenth day of June, A. D. 1845, the following document, marked A, was filed in the clerk's office, to wit:

Etat de la Louisiane, Etats Unis d'Amerique, par devant Charles Janin, notaire public, dans et pour la ville et paroisse de la Nouvelle Orléans, résidant à la dite ville.

Est personnellement comparue.

Made. Manette Amiraud Duplessis, veuve de Mr. Christoval de Armas, demeurant en cette ville, exécutrice testamentaire du dit Sieur son mari ; laquella a, par les présentes, déposé pour minute au notaire soussigné un cahier de trente et une pages, contenant 1°, une copie de huit plans de terre située dans le ci-devant district de Feliciane, lesquels plans sont marqués des lettres A, B, C, D, E, F, G, H, and ont été dressés par Mr. Vincente Sebastiano Pintado, alors arpenteur de la Florida occidentale. 2°, une copie certifiée du certificat d'arpentage du dit encanteur pour les terres susmentionnées ; 3°, un certificat d'enrégistrement fait and signé par le même ; 4°, un acte en original daté de Pensacole, le vingt trois Octobre, mil huit cent six, contenant concession des dites terres au dit feu Sieur Christoval de Armas at à feu Sieur Michel de Armas, son fils, signé et délivré par Monsr. Juan Venture Morales, intendant général de la çi-devant province de la Floride ; 5°, deux certificats d'enrégistrement du dit acte dans les bureaux qui y sont désignés.

Toutes lesquelles pièces, réunies en cahier et représentées par la dame comparante, ont été sur la réquisition annexées aux présentes après qu'elle les a eu certifiées véritables et signées en présence du dit notaire.

Fait et passé en l'Etude le quatorze Fevrier mil huit cent vingt neuf, et dans la cinquante troisième année de l'independence des Etats Unis, en présence de Messrs. George Eustis et Adolphe Hickson Légendre, témoins requis et domiciliés en cette ville, et ont la dame comparante, témoins et notaire signé, après lecture faite.

(Signé) MANETTE VE. DE ARMAS.
G. EUSTIS,
A. H. LEGENDRE,
CHARLES JANIN, *Not. Pub.*

Annéxé.

Don Vincente Sebastian Pintado, capitan de milicias y segundo agrimensor de esta Provincia de la Florida occidental.

Certifico : que fueron medidos, lindados, amogonados, y destinados pa. Dn. Christoval et Don Miguel de Armas, padre e hijo, ocho terrenos o piezas de tierra, conteniendo juntas veinte mil arpanos planos, medidos à la percha lineal de la ciudad de Paris, de diez y ocho pies lineales de la misma ciudad, contando cien perchas planos por arpan quadrado superficial, segun costumbre geodetica de esta provincia ; cuyas situaciones, linderos y numero de arpanes de cada terreno de porsi, son como signe.

Plano A, ô No. 1783. Ochocientos noventa y seis arpanes planos en el distrito de la Feliciana, en un terreno situado en la margen oriental del brazo del medio del rio de la Feliciana, (alias) *Thompson's creek*, en el parage vulgarmente llamado *Water holes*, a cinco millas y tres quartos con poca diferencia al sur de la linea de limites entre estos dominios de S. Magestad (que Dios guarde)

y los Estados Unidos de la America, lindando por la parte septentrional con tierras de Don Armando Duplantier, por la meridional y oriental con dhas realengas, y por la occidental confina con el antedho brazo del medio del rio del mismo nombre del distrito.

Plano B, ô No. 1784. Tres mil arpanes planos, en otro solar ô terreno situado en la misma jurisdiccion y margen oriental del arroyo Bog holiza, conocido por el nombre vulgar de *Black creek*, à diez millas al N. E. ¼ E. de la aguja, de la confluencia del rio de la Feliciana con el Mississippi, lindando por la parte del norte, con tierras de Guillermo Gardiner y otras solicitadas, por la del sur con las de Adam Boyd y David Bradford, por la del este, con tierras vendidas al Coronel Sr. Dn. Gilberto Andry, y por la del oeste confina con el antedho arroyo Bog holiza.

Plano C, ô No. 1785. Tres mil ciento y cinquenta arpanes planos, en un terreno situado en le mismo distrito, a veinte millas y un quarto al sur de la antedha linea de limites, ô parallelo de 31° grados latitud de nuestro hemisferio entre los terrenos del Rio Comit y los concedidos al este de los Prados de St. Juan, lindando por la parte arctica, con tierras del Sr. Dn. Gilberto Andry, por la antarctica con dhas de Thomas Calvit y Cornelio Shaw, por la del Levante con tierras del dho tor Andry y de Dn. Thomas Urquhart, y por la del poniente con las de Adam Boyd, David Bradford, Nicolas Courtois, Dn. Santo Raoul, Phelipe McHugh, Patricio Solovan, y una pequeña parte de las de Juan Skiner.

Plano D, ô No. 1786. Seis mil y setecientos arpanes planos, en otro terreno, situado en el antedho distrito, entre el Rio Comit y el arroyo del Bosque royo, à quatro millas y dos tercios al norte de su confluencia, lindando por la parte boreal con tierros de Dn. Juan Lynd y otras de los interesados, por la Austral con dhas del Sor. Dn. Gilberto Andry y Juan Bta. Leonard, por la parte del Oriente confino con dho Rio Comit, y por la del occidente se termina en el citado arroyo del Bosque roxo, vulgarmente llamado *Red wood*, y en el termino de la profundidad del terreno del dho Juan Bta. Leonard.

Plano E, ô No. 1787. Quatro mil ciento veinte y siete arpanos planos, en otro terreno, situado en el referido distrito y margen oriental del mencionado arroyo del Bosque Boto (alias *Red wood*, estando lo mas norte nueve millas y tercio al sur de la citado linea de demarcacion, lindando por la parte del septentrion con tierras de Dn. Juan Lynd, Dn. Joseph Reynes, las ocupados y solicitados por Guillermo Whitaker y por David Waltman, por la del orto, con las ya citadas de Dn. Joseph Reynes, las de Dn. Manuel Garcia y de Dn. Juan Lynd y por la del ocaso, con el termino de la profundidad del terreno ql. solicitada el dho Whitaker; el de las tierras ocupadas y solicitadas por el dicho Waltman, el de las solicitadas por Guillermo Kirkland, y las concedidas à Dn. Joaquin Fernandez de Velasco, terminandose tambien en el expresado arroyo del Bosque royo, en la parte que media entre Waltman y Whitaker, y entre este ultimo y el

terreno letra D de los interesados, con el que linda el de que se habla por la parte del medio dia.

Un mil doscientos treinta y seis arpanes planos en otro terreno situado en el mencionado distrito de la Feliciana, à media milla por lo mas cerca al oeste del rio del mismo nombre, à once millas y quarto de su confluencia con el Mississippi entre el norte y N. ¼ N. E. de la aguja, lindando por la parte del norte, con tierras de Dn. Catalina Quintana, por la del sur con las de Guillermo Bolling y Juan Willson, por la del este con tierras realengas de las que ocupa parte el nombrado Ogdon y por la del oeste, con tierras concedidas à Dn. Joseph Vidal, pertenecientes hoy à Juan Brown, y con las concedidas à Samuel Juel.

Plano F. ô No. 1788.

Quatro cientos arpanes planos, en otro terreno, situado en el mismo distrito y margen occidental del brazo del N. O. del rio de la Feliciana à quatro millas y quarto, ô cerca al sûr de la linea divisoria entre esta provincia y el territorio Americano, lindando por la parto de arriba, con tierras de Dn. Daniel Clark, por la de abaxo con las ocupadas por Matheo Offallon, por el fondo con las concedidas à Joseph Robinson, y por el frente confina con el dho brazo del N. O. del rio de la Feliciana.

Plano G. ô No. 1789.

Quatro cientos noventa y un arpanos planos en otro terreno situado en el neuvo establecimiento de Sta. Helena y margen oriental del arroyo de Sta. Rosalia, vulgarmente llamado Sandy Creek, à dos tercios de milla poco mas ô menos de su confluencia con el Amit, por tierra, lindando por la parte del norte con tierras apeadas para Dn. Juan Lynd, por la del sur, con la punta arragodiza que forman los dhos rio y arroyo, por la del este, con tierras de Dn. Armando Duplantier, y por la del oeste se termina en la orilla del dho arroyo; como todose demuestra amplia, clara y distintamente por los ocho planos figurativos que anteceden, en los que van figurados cada sitio y terreno de por si, anotados las dimensiones de sus lados en perchas lineales de Paris, las direcciones de sus limites segun la brujula, la declinacion N. E. de esta, los arboles y mojones que sirven de linderos y los dernas cotos y confines naturales y artificiales.

Plano H. ô No. 1790.

Los dhos viente mil arpanes planos de tierra, que contienen los ocho terrenos antedhos, y que solicitaron comprar de la Rl. hazienda por mitad, al precio de estimacion, los antedhos, Dn. Christoval y Dn. Miguel de Armas, se mandaron destinar; apear y estimar por auto proveido por el S'or Dn. Juan Ventura Morales, intendente general interino y superintend'te de Rl hazienda de estas provincias, juez de arribadas de tierras y solares realengos con fha diez y nueve de Octubre del corriente año, segun se evidencia del despacho librado al S'or Dn. Carlos Louis de Grand Pré, coronel de los Rs. Egercitos, Gobern'or y subdelegado de Rl. hazienda en este puesto en veinte del mismo mes y año, que me fue communicado por dho S'or en seis de de Noviembre siguiente; en cuyo cumplimiento se practicaron estas diligencias y para que conste doy la presente en el puesto de Baton Rouge à los diez dias del mes de Diciembre de mil ochocientos y tres años.

Notas convenientes.

1a. Las millas de distancia, de que le habla en la descripcion de la situacion de los terrenos, son millas terrestres inglezas, de un mil setecientas sesenta yardas de la misma nacion, ô de ochocientas veinte y cinco toesas de Paris.

2a. Los ochocientos noventa y seis arpanes del primer terreno, plano A, son exclusives de ciento y cinquenta solicitados por Roberto Moore, que se establecio en las cercanias de la casilla, figuarada en dho plano.

3a. Los tres mil arpanes del terreno plano B, son exclusives, de ciento diez arpanes en las cercanias de la casilla, figurada en el mismo plano, donde se establicio Joseph Book, quien pretendia solicitar doscientos cinquenta arpanes y hasta esta fha noloha verificado, ni el ni su padre del mismo nombre, que solicitaba igual numero.

4a. Los tres mil cientos cinquenta arpanes del terreno, plano C, que se hallaba vacante entre las tierras que en el se figuran, son exclusives de quatro cientos solicitados y en que se establecio, Catalina Cunningham, lindando con Nicolas Courtois; y de trecientos solicitados por Juan Smith, lindando con McHugh & Calvit.

5a. Los dies mil ochocientos veinte y siete arpanes, contenidos en los terrenos, planos D and E incluen, el primero, parte de las tierras solicitadas por Henrique Bradford; y el segundo, parte de las mismas y el total de las solicitadas por Juan Moore y Aldwell Atkins, para quienes habian sido marcadas, diciendo solicitaban su compra y no habiendo hecho sus solicitudes en debido tiempo, informé al S'or intend'te g'ral, por medio del S'or Gobernador y subdelegado de Rl. Hazienda en este puesto, accompañandole relacion individual de estas y otras tierras marcadas y se servio determinar el mismo S'or intendente general en diez de Octubre de este año que se suspendiesen estas, hasta llenar las providencias dadas; y por le que se destinaron las dhas, al complemento de los veinte mil arpanes de los interesados y por la escasez de tierras en aquel parage, y aunque las de Guillermo Kirkland y Guillermo Whitaker, fueron de las mencionadas en la citada relacion, no se incluyeron por haber entablado su solicitud el primero y empezado à trabajar el segundo, hasta nueva disposicien del tribunal sobre estas y las demas reservas, y por lo que respecta à David Waltman, hallandose entre las marcadas y establecido, se reservo igualmente hasta que haciendo su solicitud determinase la superioridad sobre este punto, fha ut retro.

VICENTE SEBASTIAN PINTADO.

Dn. Vicente Sebastian Pintado, actual agrimentor general de la Florida occidental.

Certifico: que los planos y diligencias que anteceden son conformes à los originales que se hallan anexos al expediente del asunto, cuya copia se saca para unir al titulo de concesion en forma mandado despachar, à favor de los interesados, por auto de 23 Septiembre ultimo proveido par el S'or Don Juan Ventura Morales, intendente g'ral de esta

provincia y superintend'te g'ral subdelegado de Rl. hazienda en la mismo, juez de arribadas de tierras y solares realengos. Ca. dado en Panzacola à once de Octubre de mil ochocientos y seis.

(Firmado) VICENTE SEBAS'N PINTADO.

Queda registrado en el libro VII, desde folio 7 hasta 13, y vuelta baxo los numeros que se expresan en los planos.

PANZACOLA fcha, ut retro.

(Firmado) VICENTE SEBAS'N PINTADO.

Don Juan Ventura Morales, intendente grâl enterim, superintendente subdelegado de Real Hazienda en esta provincia de la Florida occidental, juez de arribadas, de tierras y solares relenges, &c.

Por quarto por parte de Dn. Christoval de Armas y su hijo Dn. Miguel, se presente instancia à esta intendencia general en trece de Octubre de mil ochocientos y tres años, pretendiendo la compra de permitad de veinte mil arpanes planos de tierra en el distrito de Baton Rouge, y decretado dicho memorial en el mismo dia mandando que por secretaria se pusiese à continuacion copia certificado del oficio pasado a los señores comisarios de la entrega de la provincia con motibo de las compras de tierras que solicito Dn. Tomas Urquhart, y de la respuesta de dichos señores en veinte y ocho del mismo y se diese vista al señor fiscal de real hazienda, quien en su representacion de diez y siete de dicho mes adhiriendo à dicha solicitud, pidio se procediese por el agrimensor al deslinde, apeo y amojonamiento, de los indicados veinte mil arpanes de tierra y que el commandante ô sindico hiciese el juste precio por dos habitantes expertos por parte de la Rl. hazienda y otros dos de la de los interesados accompañadas del mismo agrimensor, y dos testigos de asistence el decreto que recayo à ella se dispuso se compulsare testimonio del con que se paso à la consulta del Señor asesor del gobierno y auditor de guerra el expediente promovido por el referido Dn. Tomas Urquhart y del dictamen que dio y cumplido por el escribano se mando librar despacho cometido, al S'or. Cornel Dn. Carlos de Grand Pré, gobernador y subdelegado en el puesto de Baton Rouge, para el apeo y estimacion de la tierra como se executo en veinte del expresado mes, y por las diligencias practicadas por el referido señor gobernador subdelegado desde seis de Noviembre hasta diez de Diziembre del supradicho año de ochocientos tres, se procedio à la estimacion de los indicados veinte mil arpanes de tierra por los expertos que numbro por parte de la Rl. hazienda Dn. Felipe Hicky y Dn. Fran'co Guedry y por la de los pretendientes Dn. Hipolito Tivolier y Dn. Geronimo Sabino Perrin, de los testigos de asistencia Pedro le Blanc y Juan Poiret, de Dn. Louis Delate como representante de Dn. Antonio Gras, apoderado de los dichos pretendientes y del ayudante de agrimensor Dn. Vicente Sebastian Pintado, que bien enterados del local y situacion de los terrenos, y consultados entre si, siendo la tierra de inferior calidad, y en parte anegadiza la estimaron à razon de siete sueldos cada arpan y agregados los planos que formo el nominado ayudante de agrimensor Dn. Vicente Sebastian Pintado, por la explicacion ql. da en su certificacion de diez

del referido mez de Diziembre de ochocientos y trez, se manifesta fueron medidos, lindados, amojonados y destinados para los expresados Dn. Christoval y Dn. Miguel de Armas ocho terrenos, conteniendo juntos veinte mil arpanes de superficie medidos con la percha lineal de Paris de diez y ocho pies lineales de cien perchas planas cada arpan quadrado; cuyo por menor se detalla en la forma siguiente.

Un plano señalado con la letra A y No. 1783, cuyo terreno es de ochocientos noventa y seis arpanes, situado en la margen oriental del brazo del medio del rio de la Feliciana, ô Thompson creek, en el parage vulgarmente llamado Water Holes, à cinco millas y tres quartos con poca diferencia al sur de la linea de limites entre los dominios del Rey y los Estados Unidos de America, lindando por la parte septentrional con tierras de Dn. Armando Duplantier, por la meridional y oriental con dichas realengas y por la occidental confina con el antedicho brazo del media de rio del mismo nombre del distrito.

Otro señalado con la letra B and y No. 1784, de tres mil arpanes de tierra en otro terreno situado en la misma jurisdiccion, y en la margen oriental del arroyo Bog holiza, conocido vulgarmente con el nombre de Black creek, à diez millas al nordestes quanta al este de la aguja, de la confluencia del rio Feliciana con el Mississipy, lindando por la parte de norte con tierras de Guillermo Gardiner y otras solicitadas; por la del sur con las de Adam Boyd y David Bradford, por la del este con tierras vendidas al coronel de milicias Dn. Gilberto Andry y por la del oeste confina con el antedicho arroyo Bog holiza.

Otro señalado con la letra D y No. 1786, de seis mil y setecientos arpanes planos en un terreno situado en el antedicho distrito entre el rio Comit y el arroyo del Bosque Boxo à quatro millas y dos tercios al norte de su confluencia, lindando por la parte boreal con tierras de Dn. Juan Lynd y otras de los interesados, por la Austral con las vendidas al Sr. Dn. Gilberto Andry y Juan Bautista Leonard, por la parte del oriente confina con dicho rio Comit y par la del occidente se termina con el citado arroyo del Bosque Boxo vulgarmente llamado Red wood, y en el termino de la profundidad del terreno de dicho Juan Bautista Leonard.

Otro señalado con la letra E y No. 1787, de quatro mil ciento veinte y siete arpanes planos en otro terreno situado en el referido distrito y margen oriental del mencionado arroyo del Bosque Boxo, ô Red wood, estando lo mas al norte nueve millas y tercio al sur de la citada linea de demarcacion, lindando por la parte del septentrion con tierras de Dn. Juan Lynd y Dn. José Reynes, las ocupadas y solicitadas por Guillermo Whitaker y por David Waltman, por la del orto con las ya citadas de Dn. José Reynes, las de Dn. Manuel Garcia y Dn. Juan Lynd, y por la del ocaso con el termino de la profundidad del terreno que solicitaba el dicho Whitaker el de las tierras ocupadas y solicitabas por Guillermo Kirkland y las concedidas à Dn. Joaquin Fernandez de Velasco, terminandose tambien en el expresado arroyo del Bosque Roxo en la parte que media entre Waltman y Whitaker y entre este

ultimo y terreno letra D de los interesados, con el que linda con el de que se habla por la parte del media dia.

Otro señalado con la letra F y No. 1788, de un mil doscientos treinta y seis arpanes planos en otro terreno situado en el mencionado distrito de la Feliciana, a media milla por lo mas cerca al oeste del rio del mismo nombre à onze millas y quarto de su confluencia con el Mississipy entre el norte y norte quarta al nordeste de la aguya, lindando por la parte del norte con tierras de Dn. Catilina Quintana, por la del sur con las de Guillermo Bolling y Juan Wilson, por la del este con tierras realengas de las que ocupa parte Ogdon, y por la del del oeste con tierras concedidas à Dn. José Vidal, pertenecientes hoy à Juan Brown, y con las concedidas à Samuel Fuil.

Otro señalado con la letra G y No. 1789, de quarto cientos arpanes planos en otro terreno situado en el mismo distrito y margen occidental del brazo del noroeste del rio de la Feliciana à quatro millas y quarto ô cerca al sur de la linea divisoria entre esta provincia y el territorio Americano, lindando por la parte de arriba con tierras de Dn. Daniel Clark, por la de abaxo con las ocupadas por Matheo Ofallon, por el fondo con las concedidas à José Robinson, y por el frente confino con el dicho brazo del noroeste del rio de la Feliciana.

Otro señalado con la letra H y No. 1790, de quatro cientos noventa y un arpanes planos, en otro terreno situado en el nuevo establecimiento de Sta. Helena y margen oriental de arroyo de Sta. Rosalia, vulgarmente llamado Sandy creek, à dos tercios de milla poco mas ō menos de su confluencia con el Amit; por tierra, lindando por la parte del norte con tierras apeadas para Don Juan Lynd, por la del sur con la punta anegadiza que forman los dichos rio y arroyo, por la del este con tierras de Dn. Armando Duplantier, y por la del oeste se termina en la orilla de dicho arroyo, con prevencion de que del plano A, se excluyen ciento cinquenta arpanes solicitados por Roberto Moore que se establecio en las cercanias de la casilla figurada en dicho plano como explica la nota segunda de la certificacion del agrimensor, en el de la letra B estan excluidos ciento diez arpanes en las cercanias de la casilla figurada en el, à favor de José Book y explica la nota tercera. En la letra C se excluyen quatrocientos arpanes solicitados por Catalina Cunningham explicados en la nota quarta, y en los de las letras D y E, se incluyen en el primero, parte de las tierras solicitadas por Henrique Bradford; y en el segundo, parte de las mismas y el total de las solicitadas por Juan Moore y Aldwell Atkins, para quienes habian sido medidas por haber solicitado su compra y no habiendo tenido efecto se destinaron para completar los veinte mil arpanes de que se trata por la escases de tierras en dicho parage. En este estado, suspendida de orden del señor comandante de esta provincia comunicada à los señores subdelegados de Mobila y Baton Rouge la venta de tierras quedaron pendientes las diligencias de dichos interesados hasta diez y ocho de Agosto del corriente año, en que obstruidas todas las dificultades, presentaron nueva instancia con las planos pidiendo su conclusion, y se dio vista al Señor Fiscal de Real Hazienda que por su representacion de nueve de Septiembre ulti-

mo pidió se formalizase el azuste para el entero del valor de las tierras en areas reales, y que se despachase él titulo en forma, y entrece del mismo mes provei un auto con dictamen del Sor. mi Asesor interino cujo tenor es el que sigue: Vistos: Apruebase la tasacion practicada de los veinte mil arpanes de tierra que solicitan comprar Dn. Christoval y Dn. Miguel de Armas en conformidad e lo expuesto por el Sor. ministro Fiscal de Real Hazienda, pasese el expediente al ministerio para la liquidacion de su importe y el de la media annata y diez y ocho por ciento de su conduccion à Espaná y verificado su entero en las caxas reales en la forma propuesta, despachese el titulo en la forma ordinaria tomandose de el las razones prevenidas y practicada la referida liquidacion por el ministerio de Real Hazienda resultó que el importe total de los mencionados veinte mil arpanes de tierra à razon de siete sueldos cada uno conforme la estimacion, el Rl. derecho de media annata y deis y ocho por ciento de conduccion à los Reynos de Castilla importaron un mil quatrocientos quaranta y un pesos un real y veinte y un maravedises de plata fuerte que entero en estas reales caxas el sobredicho Dn. Christoval de Armas segun se comprueba de la carta de pago que se otorgo en veinte y seis de Septiembre proximo pasado de que se acompaña copia certificada en las diligencias à foxas treinta y tres. Por tanto usando de las facultades que el Rey Nuestro Señor Dios le guarde, me ha conferido, y en su real nombre concedo à los sobredichos Dn. Christoval, y Dn. Miguel de Armas los veinte mil arpanes de tierra en los parages y baxo los linderos, rumbos y distancias que se mencionan en los ocho planos figurativos y diligencias de apeo certificada del agrimensor general de esta provincia, Dn. Vicente Sebastian Pintado, cuyos duplicados para que en todo tiempo conste se colocan y archivan con este titulo; y en su consequencia les declaro e imparto entero y directo dominio de los enunciados veinte mil arpanes planos de tierra, para que como à ellos pertenecientes, los posean, dosfruten, dispongan, vendan ô enagenen à sus voluntades como que los han comprado y pagado à la R'l Haz'da y les doy pleno poder para que tornen su posesion, en la que les pongo y amparo, sin perjuicio de tercero que mejor derectio tenga con la calidad y condicion que han de observar y cumplir con lo dispuesto en la instruccion formada y publicada por la intendencia general de la retrocedida provincia de la Louisiana, de diez y siete de Julio, de mil setecientos noventa y nueve de que se impondran para su complimiento. En fe de lo qual mando despachar el presente titulo firmado de mi mano, sellado con el de mis armas, y refrendado del infrascripto secretario interino de esta intendencia g'ral, en cuya oficina, como en la del ministerio de Real Hazienda de esta plaza se tomara la razon y quedara registrado. Dado en Penzacola, a veinte y tres de Octubre, de mil ochocientos seis.

[L. S.] (Firmado) JUAN VENTURA MORALES,
FRAN'CO PUTIERRES DE ARROYO.

Queda registrado el titulo antecedente à fox's ciento veinte (y ciento) y ciento veinte y uno del libro destinado a este, fui en la secretaria de

esta intendencia general interinamante à mi cargo à que me remito. Panzacola veinte y siete de Octubre, de mil ochocientos y seis.

(Firmado) FRAN'CO PUTIERRES DE ARROYO.

En la contaduria pr'al de exercito de esta provincia se tomó razon del titulo antecedente al folio setenta y dos. Penzacola veinte y siete de Octubre, de mil ochocientos y seis.

(Firmado) JUAN FRAN'CO ARMAND DE COURVILLE.

Certifié véritable par Mad'e Manette Amiraud Duplessis, veuve de Mons'r Christoval de Armas, y signé par elle en présence du notaire soussigné, pour rester déposé en son étude y annexé à un acte pe dépot à son rapport en date de ce jour. N'elle Orléans, le quatorze Fevrier, mil huit cent vingt neuf.

(Signé) MANETTE, *V've de Armas.*
" CHARLES JANIN, *Not Pub.*

Je soussigné, notaire public, successeur de Charles Janin, certifie que ce qui précède est une copie fidèle tant de l'acte de dépôt que des piéces y annéxées. En foi de quoi j'ai delivré les présentes signées de ma main y scellées du sceau de mon office à la Nouvelle Orléans le vingt deux Juin (1841) un mot rayé nul.

[L. S.] (Signé) BN. LACOSTE, *Not. Pub.*

Translation of the Spanish and French document marked A, hereinbefore copied.

STATE OF LOUISIANA, UNITED STATES OF AMERICA.

Before Charles Janin, notary public in and for the city and parish of New Orleans, residing in said city:

Personally came and appeared Mrs. Manette Amiraud Duplessis, widow of Mr. Christoval de Armas, residing in this city, executrix of her said husband, who has by these presents deposited as a minute with the notary undersigned a stitched book of thirty-one pages, containing:

1st. A copy of eight plans or plots of land situated in the former district of Feliciana, which plans are marked with the letters A, B, C, D, E, F, G, H, and were drawn by Mr. Vincente Sebastiano Pintado, then surveyor of West Florida.

2d. A certified copy of the certificate of survey from said auctioner for the lands aforesaid.

3d. A certificate of registry made by and signed by the same. 4th. An original act dated in Pensacola, on the 23d October, 1806, containing the concession of said lands to the said late Christoval de Armas, and to the late Mr. Michel de Armas, his son, signed and delivered by Mr. Juan Ventura Morales, intendant general of the former province of Florida. 5th. Two certificates of registry of said act in the offices therein designated, all which documents united in a stitched book, and represented by the lady appearing, have been at her requisition annexed to these presents, after she certified them to be genuine, and signed in the presence of said notary. Done and passed in the notary's office on

the fourteenth of February, 1829, and on the fifty-third year of the independence of the United States of America, in presence of Messrs. George Custis and Adolphe Hickson Legendre, witnesses domiciliated in this city, and the lady appearing with the witnesses, and notary signed, after the reading of these presents.

(Signed,) MANOTTE Ve. de ARMAS,
" G. CUSTIS,
" A. H. LEGENDRE,
" CHARLES JANIN,
Notary Public.

Annexation.

Don Vincente Sebastian Pintado, captain of militia and deputy surveyor of this province of West Florida.

I do hereby certify, that there were measured, and the boundaries ascertained, and marked with stakes, designed for Don Christoval and Don Miguel de Armas, father and son, eight tracts or pieces of land, containing together twenty thousand superficial arpents, measured by the lineal perch of the city of Paris of eighteen lineal feet of said city, counting a hundred superficial perches to the arpent (square) according to the geodetical custom of this province, whose situations, boundaries, and number of arpents contained in each portion of land are as follows: Eight hundred and ninety-six superficial arpents in the district of Feliciana, on a tract situated on the eastern bank of the middle branch of the river Feliciana, (alias) *Thompson's creek*, in the spot vulgarly called *Water holes*, at about five and three quarter miles to the south of the boundary line of the dominions of his majesty and the United States of America, bounded on the north by lands of Don Armando Duplantier, on the south and east by said royal possessions, and on the west by the aforesaid middle branch of the river of the name of the district.

Plan A, or No. 1783.

Three thousand superficial arpents in another tract, situated in the same jurisdiction and eastern bank of the creek Bog Holiza, known by the vulgar name of *Black creek*, at ten miles N. E. ¼ E., by the compass, from the junction of river Feliciana, west the Mississippi; bounded on the north by lands of Wm. Gartner, and others petitioned for; on the south by those of Adam Boyd and David Bradford; on the east by land sold to Colonel Gilbert Andry; and the West by the aforesaid creek Bog Holiza.

Plan B, or 1784.

Three thousand one hundred and fifty superficial arpents in a tract situated in the same district, at twenty and one quarter miles to the south of the foregoing boundary line, or parallel of thirty-one degrees latitude of our hemisphere, among the lands of the river Comite, and those granted to the east of the meadows of St. John, bounded on the north by lands of Don Gilberto Andry; on the south by those of Thomas Calvit and Cornelio Shaw; on the east by lands of said Andry and of Don Thomas Urquhart; and on the west by those of Adam Boyd, David Bradford, Nicholas Courtois, Don San-

Plan C, or 1785.

tiago Raoul, Phelipe McHugh, Patricio Solovan, and a small part of those of Juan Skinner.

Plan D, or 1786. Six thousand seven hundred superficial arpents in another tract situated in the aforesaid district, between the river Comite and the creek of Red Wood, four and two-third miles to the north by lands of Juan Lynd and others of the parties; on the south by those of Don Gilberto Andry and Juan Bta. Leonard; on the east by said river Comite; and on the west they terminate on the aforesaid creek of Red Wood, in the termination of depth of the tract of said Juan Bta. Leonard.

Plan E, or 1787. Four thousand one hundred and twenty-seven superficial arpents in another tract, situated in the aforesaid district and eastern bank of the said creek of Red Wood, being at its most northern point nine and one-third miles to the said boundary line, and bounded on the north by lands of Don Juan Lynd, Don Joseph Reynes; those occupied and solicited by Wm. Whitaker and by David Waltman; on the east by those already cited of Don Joseph Reynes, those of Don Manuel Garcia, and Don Juan Lynd; on the west by the termination of depth of the tract solicited by said Waltman, that of the lands solicited by Wm. Kirkland, and those granted to Don Joaquin Fernandez de Velasco, and terminating also at said creek of Red Wood, on the part which bounds Waltman and Whitaker, and between this latter and tract letter D of the parties, with that which bounds the one spoken of on the south.

Plan F, or 1788. One thousand two hundred and thirty-six superficial arpents in another tract, situated in the said district of Feliciana, at a half mile at most to the west of the river of the same name, eleven and a quarter miles from its junction with the Mississippi, between north and N. $\frac{1}{4}$ N. E. by the compass; bounded on the north by lands of Don Catalina Quintana; on the south by those of Wm. Bolliny and Juan Wilson; on the east by royal lands, part of which are occupied by Mr. Ogdon; and on the west by land granted to Don Joseph Vidal, belonging now to Juan Brown, and by those granted to Samuel Juel.

Plan G, or 1789. Four hundred superficial arpents in another tract situated in the same district and western bank of the northwest branch of the river Feliciana, at four and a quarter miles, or near the south of the boundary division between this province and the American territory; bounded on the upper part by lands of Daniel Clark; on the lower by those occupied by Matthew Offallon; in the bottom by those granted to Joseph Robinson; and on the front by said northwest branch of the river Feliciana.

Plan H, or 1790. Four hundred and ninety-one superficial arpents in another tract, situated in the new establishment of St. Helena and eastern bank, the creek of St. Rosalia, vulgarly called Sandy creek, at two-thirds of a mile more or less from its junction with the Amite by land; bounded on the north by lands surveyed for Don Juan Lynd; on the south by the marshy point formed by the said river and creek; on the east by lands of Don Armando Duplantier; and on the

west it terminates on the bank of said creek, as is clearly, fully, and distinctly shewn upon the eight figurative plans which precede, and in which each tract is represented by itself; the dimensions are mentioned in lineal perches of Paris, the directions of its boundaries according to the compass; the declination N. E. of this, the trees and mounds which serve as land marks, and other limits natural and artificial.

The said twenty thousand superficial arpents of land contained in the eight tracts aforesaid, the purchase of which was solicited of the royal treasury jointly, by the aforesaid Don Christoval and Don Miguel de Armas, at the price of valuation, were ordered to be located, measured, and estimated by a decree from Don Juan Ventura Morales, intendent general pro tem., and superintendant of the royal treasury of these provinces, judge of claims of lands and royal possessions, under date of the 19th October, of the present year, as appears from the despatch delivered to Don Carlos Louis de Grand Pré, colonel of the royal armies, governor and subdelegate of the royal treasury in this post, on the 20th of the same month and year, and the same was communicated to me by said gentlemen on the sixth of November following, in conformity with which these proceedings were had.

In testimony whereof I give these presents in the post of Baton Rouge, on the 10th December, 1803.

Necessary notes.

1st. The miles distance spoken of in the description of the situation of the tracts are English land miles of one thousand seven hundred and sixty yards of the same nation, or eight hundred and twenty-five toises of Paris.

2d. The eight hundred and ninety-six arpens of the first tract, plan A, are exclusive of one hundred and fifty, solicited by Robert Moore, who established himself in the neighborhood of the little house figured on said plan 3rd.

3rd. The three thousand arpents of the tract plan B, are exclusive of one hundred and ten arpents in the neighborhood of the little house figured on the same plan, where Joseph Book established himself, who pretended to solicit two hundred and fifty arpents, but has not done so up to this date, neither him or his father of the same name, who solicited the same quantity.

4th. The three thousand one hundred and fifty arpents of the tract plan C, which was vacant, among the lands figured thereupon, are exclusive of four hundred solicited by, and upon which Catalina Cunningham established herself, contiguous with Nicolas Courtois, and of three hundred solicited by John Smith, contiguous with McHugh and Colvit.

5. The ten thousand eight hundred and seventy-seven arpents contained in the tracts plans D and E, include the first part of the lands solicited by Henry Bradford, and the second part of the same, and the whole of those solicited by John Moore and Atwell Atkins, for whom they had been marked, they saying that they solicited the purchase of the same; but not having presented their petitions in due time, I inform-

ed the intendant general, through the Governor and subdelegate of the royal treasury at this post, remitting him a detailed account of these and other lands marked.

And the intendant general was pleased to order, on the tenth of October of this year, that these should be suspended until the steps taken should be fulfilled; wherefore the aforesaid were destined to complete the twenty thousand arpents of these parties, and from the scarcity of lands in that spot, and although those of Wm. Kirkland and Wm. Whitaker were among those mentioned in the account above cited, they were not included, as the first had commenced his solicitations, and the second had commenced to work, until further orders from the tribunal concerning these and other reserves. And as respects David Waltman, finding himself among those marked and established, it was also reserved until he should present his petition, and a determination should be taken by the authorities in the matter. Dated as above.

(Signed,) VICENTE SEBASTIAN PINTADO.

Don Vicente Sebastian Pintado, actual surveyor general of West Florida.

I certify that the plans and proceedings which precede, are true copies of the originals annexed to the documents appertaining to this affair, a copy of which has been taken to be attached to the title of concession in form, ordered to be delivered in favor of the parties by a decree dated 23d September last, from Don Juan Ventura Morales, intendant general of this province, and superintendant general of the royal treasury, judge of claims of lands and royal possessions, &c.

Given in Pensacola, on the 11th October, 1805.

(Signed,) VICENTE SEBASTIAN PINTADO.

Entered in book VIII, from folio 7 to thirteen, under the numbers designated on the plans. Pensacola, date as above.

(Signed,) VICENTE S. PINTADO.

Don Juan Ventura Morales, intendant general pro tem., superintendant subdelegate of the royal treasury in this province of West Florida, judge of claims of lands, royal possessions, &c.

Whereas a petition has been presented by Don Christoval de Armas and his son Don Miguel, to this intendancy general, on the thirteenth of October, 1803, soliciting to purchase jointly twenty thousand superficial arpents of land in the district of Baton Rouge; and the said memorial having been decreed upon on the same day, ordering that the secretary should put in continuation a certified copy of the official letter passed to the commissaries for the delivery of the province, on account of the purchases of lands solicited by Don Thomas Urquhart, and the answer of said gentleman, dated 28th of the same month; and that the same should be submitted to the attorney general of the royal treasury, who, in his representation of the 17th of said month, adhering to said petition, requested that the surveyor might proceed to the survey, measurement and staking of the aforesaid twenty thousand arpents of land, and

that the commandant or syndic should cause an evaluation to be made by two experienced inhabitants on the part of the royal treasury, and two others for the parties, accompanied by the surveyor himself and two witnesses. The decree which resulted from it was ordered to be submitted to the assessor of government and auditor of war, together with the proceedings had in the case of said Don Thomas Urquhart; and from the opinion which was given and executed by the notary, it was ordered that an official notice be delivered to Colonel Don Carlos de Grand Prè, governor and subdelegate in the post of Baton Rouge, for the survey and valuation of the land, which was done on the 20th of the foregoing month, and in conformity with the proceedings before the aforesaid governor subdelegate, from the 6th of November to the 10th of December of the above mentioned year 1803. The valuation was made of the aforesaid twenty thousand arpents of land, by the appraisers appointed on the part of the royal treasury, Don Felipe Hicky and Don Francisco Guidry; and for the parties, Don Hipolito Tivolier and Don Geronemo Sabino Perrin; as witnesses, Pedro Le Blanc and Juan Poiret, and Don Lewis Delate, as the representatives of Don Antonio Gras, attorney in fact of the said parties; and of the assistant surveyor Don Vicente Sebastian Pintado; who, being well informed of the locality and situation of the tracts, and consulting each other, the land being of inferior quality and subject to be overflowed, they estimated it at the rate of seven cents each arpent, the plans being added, formed by the said assistant surveyor Don Vicente Sebastian Pintado. By the explanation he gives in his certificate of the 10th of said month of December, 1803, it appears that there were surveyed, measured, staked, and destined for the aforesaid Don Christoval and Don Miguel de Armas, eight tracts, containing together twenty thousand superficial arpents, measured with the lineal perch of Paris of eighteen lineal feet, of one hundred superficial perches each square arpent, the details of which are in the following form:

A plan, designated with the letter A and No. 1783, which tract contains eight hundred and ninety-six arpents, situated on the eastern bank of the middle branch of the river Feliciana or Thompson creek, in the spot vulgarly called Water Holes, at five miles and three quarters, with little difference to the south of the boundary line between the King's dominions and the United States of America, bounded on the north by lands of Don Armand Duplantier, on the south and east by the said royal possessions, and on the west by the said middle branch of the river of the name of the district; and another, designated by the letter B and No. 1784, of three thousand arpents of land on another tract, situated in the same jurisdiction, and on the east bank of the creek Bog Holiza, vulgarly known by the name of Black creek, at ten miles N. E. rather east ———, by the compass, from the confluence of the river Feliciana with the Mississippi, bounded on the north by lands of Wm. Gardner and others solicited, on the south by those of Adam Boyd and David Bradford, on the east by lands sold to the colonel of militia, Don Gilberto Andry, and on the west it is contiguous with the aforesaid creek Bog Holiza. Another, designated by the letter C and No. 1785,

of three thousand one hundred and fifty superficial arpents, on a tract situated in the same district, at twenty miles and one quarter to the south of said boundary line of parallel of 31 degrees latitude of our hemisphere, among the lands of the river Comite and those granted to the east of the meadows of St. John, bounded on the north by lands of Don Gilberto Andry, on the south with the aforesaid of Thomas Calvit and Cornelius Shaw, on the east by lands of the said Mr. Andry and Don Thomas Urquhart, and on the west by those of Adam Boyd. David Bradford, Nicholas Courtois, Don Santiago Raoul, Philip McHugh, Patricio Solovan, and small portion of those of John Skinner.

Another, designated by the letter D and No. 1786, of six thousand seven hundred superficial arpents, on a tract situated in the aforesaid district, between the river Comite and Red Wood creek, at four miles and two thirds to the north of its confluence, bounded on the north by lands of Don Juan Lynd and others of these parties, on the south by those sold to Don Gilberto Andry and Juan Bautista Leonard, on the east by said river Comite, and on the west it terminates with the aforesaid creek of Red Wood, and in the depth it terminates at the bottom of Juan Bautista Leonard's land ; another, designated by the letter E and No. 1787, of four thousand one hundred and twenty-seven superficial arpents, on another tract situated in the aforesaid district and east bank of the above mentioned creek of Red Wood, being at most to the north, nine miles and a third to the south of the said line of demarcation, bounded on the north by lands of Don Juan Lynd and Don Josè Reynes, those occupied and solicited by Wm. Whitaker and David Waltman, on the east by those already cited of Don Josè Reynes, those of Don Manuel Garcia and Don Juan Lynd, and on the west by the termination of the depth of the tract solicited by said Wm. Whitaker, that of the lands occupied and solicited by said Waltman, that of those solicited by Wm. Kirkland, and those granted to Don Joaquin Fernandez de Velasco, and ending also on the said creek of Red Wood, in the part between Waltman and Whitaker, and between this latter and the tract letter D of these parties, with which it is contiguous with the one in question on the south.

Another, designated by the letter F and No. 1788, of one thousand two hundred and thirty-six superficial arpents, in another tract situated in the district mentioned of Feliciana, at a half mile at most nearly west of the river of the same name, at eleven miles and a quarter from its junction with the Mississippi, between north and north quarter N. E. by the compass, bounded on the north by lands of Don Catalina Quintana, on the south by those of Wm. Bolling and John Wilson, on the east by royal lands, part of which are occupied by Ogdon, and on the west by lands granted to Don Josè Vidal, belonging now to Juan Brown, and those granted to Samuel Juil. Another, designated by the letter G and No. 1789, of four hundred superficial arpents, on another tract situated in the same district, and west bank of the N. W. branch of the river Feliciana, at four miles and a quarter, or near to the south of the dividing line between this province and the American territory,

bounded on the upper part by lands of Daniel Clark, on the lower by those occupied by Matthew Offallon, in the depth by those granted to Joseph Robinson, and on the front by the said northwest branch of the river Feliciana.

Another, designated by the letter H and No. 1790, of four hundred and ninety-one superficial arpents, in another tract situated in the new establishment of St. Helena, and east margin of the creek St. Rosalia vulgarly called Sandy Creek, at two-thirds of a mile, more or less, from its junction with the Amite by land, bounded on the north by lands surveyed for Dn. Juan Lynd on the south by the point, subject to overflow, formed by the said river and creek, on the east by lands of Dn. Armando Duplantier, and on the west it terminates on the border of said creek; with the proviso, that of the plan A are excluded one hundred and fifty arpents, solicited by Robert Moore, who established himself in the neighborhood of the little house, figured on said plan as is explained by the second note of the certificate from the surveyor. In that of letter B are excluded one hundred and ten arpents, in the neighborhood of the little house figured upon it, in favor of Joseph Book, and explained by note third. From the letter C are excluded four hundred arpents, solicited by Catalina Cunningham, explained in note fourth. And from letters D and E are excluded, in the former, a part of the lands solicited by Henry Bradford; and in the latter, part of the same, and the whole of those solicited by John Moore and Atwell Atkins, for whom they had been measured, they having solicited the purchase of the same, and not having been fulfilled, they were destined to complete the twenty thousand arpents in question from the scarcity of lands in that spot. In this situation of things, suspended by order of the commandant of this province, communicated to the subdelegates of Mobile and Baton Rouge, with the sale of lands, the proceedings of said parties remained pending until the 18th of August of the present year, when, all difficulties being obviated, they presented a new petition, together with the plans, praying for the conclusion. And notice was given thereof to the attorney general for the royal treasury, who, by his representation of the 9th of September last, requested that the adjustment should be made for the whole value of the lands, to be paid into the royal coffers, and that the title in form should be given. And on the thirteenth of the same month I issued a decree, with the approbation of the assessor pro tem., the tenor of which is as follows: The evaluation made of the twenty thousand arpents of land, solicited to be purchased by Dn. Christoval and Dn. Miguel de Armas, conformably with the exposition of the attorney general, being approved, let the documents be handed to the ministry for the liquidation of the amount, that of the half yearly tribute, and eighteen per cent. for the transportation of the same to Spain; and the whole being paid into the royal coffers in due form, let the titles be given in the usual manner and entered. And the aforesaid liquidation having been made, the result was, that the total amount of the aforementioned twenty thousand arpents of land, at the rate of seven cents each, according to the appraisement, the half yearly tribute, and eighteen per cent. for transpor-

tation to the kingdoms of Castilla, amounted to one thousand four hundred and forty-one dollars one rial and twenty-one maravedises, in silver, which were paid into these royal coffers by the said Dn. Christoval de Armas, as appears by the receipt given on the 26th of September last. Copy of which, certified in the proceedings, on the 33d page.

Wherefore, by virtue of the faculties invested in me by the King, our master, and in his royal names, I do hereby grant to the aforesaid Dn. Christoval and Dn. Miguel de Armas, the twenty thousand arpents of land, in the places and under the boundaries, directions, and distances mentioned on the eight figurative plans and notes of survey, certified by the surveyor general of this province, Dn. Vicente Sebastian Pintado, duplicates of which, for reference, are placed in these archives with that title. And, therefore, I declare and impart to them entire and direct dominion over the said twenty thousand arpents of land, that as theirs they may possess, enjoy, dispose of, sell, or alienate them at their pleasure, as they have purchased them and paid the royal treasury for them, and give them full power to take possession of the same; on which I hereby place and protect them, without injury of any third person, who may have a better right, with the condition that they are to observe and comply with the orders formed and published by the general intendancy of the retroceded province of Louisiana of the 17th July, one thousand seven hundred and ninety-nine, of which they will inform themselves for the due fulfilment of the same.

In testimony whereof I ordered the present title to be given, signed by my hand, sealed with the arms, and countersigned by the secretary pro tem. of this general intendancy, in whose office, as well as in that of the ministry of the royal treasury of this post, the same will be registered.

Given in Pensacola, on the 23d October, 1806.

Signed, JUAN VENTURA MORALES,

[P. S.] FRANCO. GUTIERREZ DE ARROYO.

The preceding title was registered on folios one hundred and eighteen, one hundred and nineteen, one hundred and twenty, and one hundred and twenty-one, of the book destined to that purpose, in the secretary's office of this general intendancy pro tem., under my charge, to which I refer. Pensacola, the 27th October, 1806.

Signed, FRANCO. GUTIERREZ DE ARROYO.

In the principal comptroller's office of the army, in this province, the foregoing title was entered at folio 72. Pensacola, 27th October, 1806.

Signed, JUAN FRANCO. ARMAND DE COURVILLE.

Certified true, by Madam Manette Amirand Duplessis, widow of Mr. Christoval de Armas, and signed by her in presence of the notary undersigned, to remain deposited in his office, and annexed to an act of deposit, at his study, under date of this day. New Orleans, 14th February, 1829

Signed, MANETTE, *Widow de Armas.*

" CHARLES JANIN, *Not. Pub.*

I, the undersigned, notary public, successor to Charles Jannin, do certify that the preceding is a faithful copy, as well of the act of deposit as of the documents annexed to the same.

In testimony whereof I deliver these presents, signed by my hand and sealed with the seal of my office, at New Orleans, the 22d [SEAL.] of June, 1841.

Signed, PHI. LACOSTE.

And on the 7th day of July, A. D. 1845, the following entry was made on the minutes, to wit:

July, A. D. 1845.

HEIRS OF DE ARMAS vs. THE UNITED STATES. } No. 7.

The counsel of plaintiffs in this case presented an amended petition, which was ordered to be filed, and copies to be served upon the district attorney.

And on the eleventh day of July, A. D. 1845, the following testimony, as taken by N. R. Jennings, United States commissioner, was filed, to wit:

Personally appeared before me, N. R. Jennings, commissioner, on this 11th July, 1845, the following witnesses, who appeared for the plaintiffs, to give evidence in a suit entitled the heirs of C. and M. D'Armas vs. the United States, and numbered 7 upon the docket.

Witnesses for plaintiffs.

HEIRS OF C. AND M. DE ARMAS, vs. THE UNITED STATES. } No. 7.

Diego E. Pintado, being duly sworn, states: That, in the year 1803, he resided in New Orleans, in the beginning of that year; during that year he went into the Floridas, in the district of Baton Rouge. Vincente Sebastian Pintado was acting at that time surveyor general of the two Floridas, in the year 1803. He was the brother of witness, and witness was familiar with his official acts. Witness was acquainted with Christoval de Armas, and Miguel, his son, who, in the year 1803, resided in New Orleans; the name of De Armas is a Spanish one, and they were at the time subjects of the King of Spain. They lived and died in the city of New Orleans; from the year 1809, to the year 1820, they lived in the town of Baton Rouge.

Witness states that, on the 13th or 14th of October, 1803, he saw a petition of Christoval and Miguel de Armas, addressed to Morales, praying for 20,000 arpens of land; on the 19th or 20th October of the same year, witness saw a decree of Morales for 20,000 arpens, and an order of survey directed to his brother, Pintado, and an order of appraisement directed to Grand Pré, Governor of Baton Rouge. Witness states that, in the same year, his brother surveyed the whole of the 20,000 arpens,

and during the same year the lands were also estimated. His brother kept a book for the purpose of registering all his surveys, and the survey of this particular land witness saw registered in this book. Witnesses brother died in Havana, he does not recollect in what year; that he carried his books with him, and he does not know what became of them after his death.

Witness being shewn the document marked A, states that he has seen the original, of which this document appears to be a copy, with the signature of Don Ventura Morales attached thereto, and knows it to be the genuine signature of Morales, the intendant. Witness knows that the taxes upon this land were paid by Christoval de Armas, as long as he lived, but after that he knows nothing upon the subject. This survey of 20,000 arpens was situate in the Floridas, a part of it in West Florida. Witness does not know in what district this land lay, nor does he know how many parishes formed a district.

Cross examined.

States that he went up to Baton Rouge in the year 1803, and returned to New Orleans at the end of that year, and that he remained then in New Orleans until the month of December 1804; witness has seen a great many petitions and orders of survey; witness was a lieutenant in the Spanish service, but had no connexion with the civil department; witness saw the sheriff apply to Christoval de Armas for the taxes upon those lands, and he saw him pay the sheriff, but he does not know the name of the sheriff; witness has not read the document marked A; witness' brother embarked from Pensacola to Havana; he left West Florida for Pensacola in 1805, and he remained there till the Americans took possession of Pensacola; witness never saw his brother after the year 1805.

(Signed) DIEGO E. PINTADO.

The district attorney representing the United States, reserves all legal exceptions to the above depositions; specially excepting to the inquiries as to the applications to the Spanish authorities and their proceedings thereon, and as to all evidence by which is attempted to be proved by parole, what should be proved by record evidence.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. attorney, district Louisiana.

Loyal Case, witness for the plaintiffs, being duly sworn, states that he has very often seen the books kept by Pintado when he was surveying West Florida; that they were in his possession for three or four years, and remained in his possession till about a year ago; witness has seen in the books of Pintado either a survey or grant (he cannot state which,) to de Armas, of 20,000 arpents of land, which he thinks was situate on the Comite river; he could not be certain that all the land was on the Comite, or that all was in one body; witness saw these books in the office of Thomas Gibbs Morgan in this city about three months

ago. The impression of witness is, that the books are now in Washington, Mr. Morgan having told him they were no longer in his office; witness has every reason to believe these books came from Havana; can't tell at what time; whether seven, eight, or nine years ago.

Cross examined.

States that he is not a surveyor; that he had these books in his possession some three or four years; it was a matter of public notoriety. These books were frequently seen in witness's possession by C. de Armas, attorney, residing in the city of New Orleans.

Examination in chief resumed.

States that whilst these books were in his possession, several persons came and took copies; Bringier among others. Witness himself never sold copies; they were given gratuitously. Bringier was the surveyor general of the State of Louisiana, and took copies of surveys for Le Blanc and some others.

(Signed) LOYAL CASE.

The witnesses having signed their names in my presence to the above depositions, the testimony was closed for this day, to be resumed hereinafter.

(Signed) N. R. JENNINGS.
Commissioner.

July 11*th*, 1845.

And on the fourteenth day of August, A. D. 1845, the defendants, by their counsel, S. W. Downs, filed the following amended answer, to wit:

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

To the honorable the district court of the United States for the district of Louisiana.

The United States of America, through their attorney, S. W. Downs, for answer to the amended petition of the plaintiffs in the above entitled cause, deny all and singular the allegations therein contained, and pray for judgment accordingly.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. attorney, district Louisiana.

And on the seventeenth day of November, A. D. 1845, the following entry was made on the minutes, to wit:

Monday, November 17th, 1845. Present, Hon. T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

This cause being called, on motion of Perin, esq., counsel for peti-

tioners, it is ordered that the same be continued until Saturday the 22d instant, at 10½ o'clock, A. M.

And on the twenty-second day of November, A. D. 1845, the following entry was made on the minutes, to wit:

Saturday, November 22d, 1845. Present, Hon. T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

The demurrer in this cause being called for trial, Perin, esq., appeared for plaintiffs, and the United States district attorney for defendants. After hearing argument on the demurrer so far as relates to the insufficiency of the petition in respect of not setting forth the names of the claimants of the land in controversy, the court took the matter under consideration. The argument of the other matters contained in the demurrer was ordered to be continued.

And on the sixth day of December, A. D. 1845, the following entry was made on the minutes, to wit:

Saturday, December 6, 1845. Present, Hon. T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

The demurrer to the petition in this cause was this day further argued on the same point as on the 22d ultimo, by Moïse, esq., for respondents, and Perin, esq., for petitioners. And after hearing also suggestions from T. G. Morgan and W. A. Elmore, esqrs., it is ordered and decreed that said demurrer be sustained, so far as the same demurs to the petition for its insufficiency in respect of its not setting forth the name or names of the person or persons claiming the land alleged to belong to petitioners; which said person or persons, petitioners say, claim by a different title from said petitioners.

It is further ordered that petitioners have leave to amend their petition and add the proper parties; and it is further ordered, on motion of Moïse, esq., that respondents have leave to withdraw their answer to petitioners, supplemental petition, and that the same be no longer considered a part of the record.

And on the sixth day of December, A. D. 1845, the following demurrer was filed, to wit:

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

The defendants in this cause, by their attorney, S. W. Downs, by protestation, not confessing all or any of the things in the said complainant's amended bill contained to be true, do demur to said amended bill, and for cause of demurrer show, that said complainants in said amended bill, nor in both his said two bills together, have not present-

ed and alleged such a case as to entitle them to relief under the statutes, and according to the principles of equity, for these several grounds and reasons:

1. Because said amended bill, and original bill, and each of them, are multifarious in this, that they claim different and distinct tracts of land in different places, and held by different persons and by different titles.

2. Because neither the original or amended bill set forth and declare the names of the persons claiming or in possession of the land sued for, as required by statute.

3. Because there is no averment of the location, and the *meets* and boundaries of the land claimed, and this defect is not cured by annexing certain papers to the said amended bill, as has been done. And renewing and insisting on their grounds of demurrer to the original bill, pray the judgment of the court on these their several grounds of demurrer, and whether they be compelled to answer further, and that the demand of the said complainants may be dismissed with costs, and for general relief.

(Signed,) S. W. DOWNS,
U. S. Att'y, Dist. of La.

And on the thirteenth day of December, A. D. 1845, the following rule was entered on the minutes, to wit:

Saturday, December 13th, 1845.

Present, honorable T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

On motion of F. Perin, of counsel for petitioners, it is ordered by the court, that defendants, through their attorney, S. W. Downs, esq., show cause on Thursday, the 18th instant, at 10 o'clock A. M., why the judgment rendered on the 6th instant, sustaining the demurrer of the defendants, should not be set aside, and a rehearing granted on the ground that the same is erroneous in the following particulars, among others apparent on the proceedings, to wit:

1st. That portion of the first section of the act of the 26th of May, 1824, which required claimants to Spanish or French grants to make adverse possessors parties to the suit, has been repealed by the act of the 24th of May, 1828, and that the latter act is in full force and validity.

2d. The said judgment is erroneous in as much as it is contrary to the rules adopted by this court, for the investigation of titles under the above acts of date July 29th, 1844, which expressly exempt claimants from making adverse possessors parties defendants in all cases where said claimants do not sue for the specific land itself, but only the right to locate upon the public domain the same quantity which was embraced in the grant. In the present case the petitioners have not claimed the land originally conceded to them by the Spanish government, but

have charged that the United States have taken possession and sold "all of said lands" to persons unknown to petitioners.

3d. Because the said judgment does not dispose of all the grounds of demurrer filed by defendants.

4th. Because said demurrer was filed contrary to the rules of "practice for the courts of equity," which were promulgated by the Supreme Court of the United States, on the 2d day of March, 1842, inasmuch as there is no certificate of counsel that such demurrer was well founded in point of law.

5th. That prior to filing said demurrer there was a judgment *pro confesso* entered in favor of petitioners.

6th. The supplemental petition filed by plaintiffs, overruled several causes of said demurrer, but without confessing or acknowledging that a proper ground of demurrer existed, as the right to file such supplemental petition with the accompanying titles, was reserved in their original petition.

Marshal's return.

Received 15th December, 1845, and on the 16th December, 1845, served copy of rule on S. W. Downs, esq., U. S. district attorney, in person, at New Orleans.

Returned 16th December, 1845.

(Signed,) W. F. WAGNER,
U. S. Marshal.

And on the eighteenth day of December, 1845, the following entry was made on the minutes, to wit:

Thursday, December 18th, 1845.

Present, honorable T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

The rule taken herein on the 13th instant, being called, was argued by Messrs. Prentiss and Wilde, on behalf of the plaintiffs, and by Messrs. Downs and Moïse, on behalf of defendants, after which it was taken under consideration by the court.

And on the twenty-second day of December, 1845, the following entry was made on the minutes, to wit:

Monday, December 22d, 1845.

Present, honorable T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

The court this day delivered its opinion on the motion taken herein, on the 13th instant, and argued on the 18th as follows, to wit:

It is ordered that a new trial be refused.

And on the fifth day of January, A. D. 1846, the following entry was made on the minutes, to wit:

Monday, January 5th, 1846.

Present, honorable T. H. McCaleb.

HEIRS OF DE ARMAS,
vs.
THE UNITED STATES.

F. Perin of counsel for petitioners, and Moïse, esq., representing the respondents, this day appeared in court, and submitted to the court all the causes of demurrer set forth in the demurrer filed on behalf of defendants, which were accordingly taken under consideration by the court.

And on the sixth day of January, A. D. 1846, the following judgment was entered on the minutes, to wit:

Tuesday, January 6th, 1846. Present, Hon. T. H. McCaleb.

HEIRS OF DE ARMAS
vs.
THE UNITED STATES.

The demurrers to the original, and to the amended petition of petitioners, submitted to the court yesterday, having been considered by the court, it is now ordered, adjudged, and decreed, that the 4th ground of demurrer set forth in the demurrer to the original petition be sustained, and that the 1st, 2d, 3d, 5th, 6th, 7th and 8th grounds set forth in said demurrer be overruled, it appearing that said last mentioned grounds of demurrer have been removed by petitioners' amended petition.

It is further ordered, that the 1st and 2d grounds of demurrer, set forth in the demurrer of respondents to the amended petition of petitioners, be sustained, and that the 3d ground of demurrer, set forth in said demurrer to said amended petition, be overruled.

And on the seventh day of January, A. D. 1846, the following entry was made on the minutes, to wit:

Wednesday, Jan'y 7th, 1846. Present, Hon. T. H. McCaleb.

HEIRS OF DE ARMAS
vs.
THE UNITED STATES.

On motion of F. Perin, of counsel for petitioners, it is ordered that an appeal be allowed to petitioners to the next session of the Supreme Court of the United States, on said petitioners giving good security in the sum of two hundred and fifty dollars ($250) for the payment of all costs that may accrue by reason of said appeal.

And on the 31st day of January, A. D. 1846, the following appeal bond was filed in the clerk's office, to wit:

Know all men by these presents, that Louis A. Ducros, C. E. Forstall, F. De Wint, and Christoval Morel, are held and firmly bound

unto the United States in the full and just sum of two hundred and fifty dollars, to be paid to the said United States, or their certain attorney or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this 31st day of January, in the year of our Lord one thousand eight hundred and forty-six.

Whereas lately, at a district court of the United States, holding sessions in and for the district of Louisiana, in a suit depending in said court, wherein Michaëla de Armas et al., the heirs of C. & M. de Armas, were plaintiffs, and the said United States defendants, judgment was rendered against the said plaintiffs, sustaining the demurrer filed by defendants, and dismissing plaintiffs' petition. And the said plaintiffs, having obtained an order of appeal from the said court to reverse the judgment in the aforesaid suit; and a citation directed to the said defendants, through their attorney, S. W. Downs, citing and admonishing them to be and appear at a Supreme Court of the United States to be holden at Washington the Monday of next.

Now, the condition of the above obligation is such, that if the said Michaëla De Armas et al., the plaintiffs in the above entitled cause, shall prosecute their appeal to effect, and answer all damages and costs, if they fail to make their plea good, then the above obligation to be void, else to remain in full force and virtue.

(Signed) L. A. DUCROS, [SEAL.]
" C. E. FORSTALL, [SEAL.]
" F. DE WINT, [SEAL.]
" CHRIST'L MOREL. [SEAL.]

United States district court for the district of Louisiana.

To S. W. Downs, U. S. att'y, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the 1st Monday of December next, pursuant to an order of appeal granted on the seventh day of January, 1846, by the district judge of the United States for the district of Louisiana, in a certain cause now depending between the heirs of C. & M. de Armas as plaintiffs, and the United States as defendants, wherein said heirs of C. & M. de Armas are appellants, and the said United States are appellees, to show cause, if any there be, why the judgment rendered on the sixth day of January, A. D. 1846, against the said appellants, in favor of the said United States, appellees, should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness my hand and seal this fourth day of March, A. D. 1846, and the seventieth year of the American independence.

THEO. H. McCALEB, [SEAL.]
U. S. judge.

Received, March 5th, 1846, and on the same day I served a copy of the within citation of appeal on S. W. Downs, esq., U. S. district attorney, (he being absent,) by leaving the same at his office, in the city of New Orleans, in the hands of E. W. Moïse, deputy district attorney.

For WM. F. WAGNER, *U. S. Marshal.*
J. P. WALDEN, *Dep. U. S. Marshal.*

Clerk's office, United States district court for the district of Louisiana.

I, Needler R. Jennings, clerk of the said court, do hereby certify the foregoing to be a true and correct transcript of all the proceedings, process, pleadings, documents, testimony, and other matters on file and of record in a certain cause wherein the heirs of C. and M. de Armas are plaintiffs, and the United States are defendants, numbered 7 on the docket of the said court.

In testimony whereof, I have hereunto set my hand and caused the seal of the said court to be affixed, at New Orleans, this seventh day of March, A. D. 1846, and the seventieth year of the American independence. [L. S.]

N. R. JENNINGS, *Clerk.*

I, Theodore H. McCaleb, judge of the United States district court for the district of Louisiana, do hereby certify, that Needler R. Jennings, who subscribed the above certificate, is the clerk of the said court, and that faith and credit are due and ought to be given to his attestations as such, and that the above is in due form of law.

Given under my hand and seal at New Orleans, this seventh day of March, A. D. 1846, and the seventieth year of the American independence. [L. S.]

THEO. H. McCALEB.

UNITED STATES DISTRICT COURT,
District of Louisiana:

Friday, June 12, 1846. Present, the Hon. T. H. McCaleb.

HEIRS OF C. AND M. DE ARMAS
vs.
THE UNITED STATES. } No. 7.

On motion of F. Perin, of counsel for petitioners, it is ordered by the court that they have leave to withdraw the plats filed in this cause, for the purpose of filing them in original in the Supreme Court of the United States, upon giving a receipt to the clerk designating the particular plats withdrawn.

CLERK'S OFFICE, UNITED STATES DISTRICT COURT,
District of Louisiana:

I certify that the foregoing is a true copy from the minutes; and I further certify, that the annexed six documents, being plans A, B, C, D, E, F, G, and H, are the plans or plats originally filed in this cause,

and that they are the only portion of the record not copied in the transcript heretofore made out for the Supreme Court of the United States.

Witness my hand, and the seal of the court, this twelfth day of June, A. D. 1846.

[L. S.]

N. R. JENNINGS, *Cl'k.*
By L. E. SIMONDS, *Dy. Cl'k.*

[For maps see original.]

Filed 8th September, 1846.